

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

OSVALDO NAVARRO MAURY,

Plaintiff,

v.

KILOLO KIJAKAZI,
ACTING COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

No. 1:21-CV-00335 (GSA)

**STIPULATION AND ORDER FOR
AWARD AND PAYMENT OF
ATTORNEYS FEES PURSUANT TO THE
EQUAL ACCESS TO JUSTICE ACT (28
U.S.C. §2412(d))**

IT IS HEREBY STIPULATED by and between the parties, through their undersigned attorneys, subject to the approval of the Court, that Osvaldo Navarro Maury ("Plaintiff") be awarded attorney fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. §2412 (d), in the amount of seven thousand and forty-eight dollars and thirty cents (\$7,048.30). This represents compensation for legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §2412 (d).

After the Court issues an Order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the attorney fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the Order for EAJA fees is entered, the government will determine whether they are subject to any offset.

1 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
2 that Plaintiff does not owe a federal debt subject to offset, then the government shall cause the
3 payment of fees approved to be made payable to Melissa Newel or Newel Law (collectively
4 "Plaintiff's counsel"), pursuant to the assignment executed by Plaintiff. Any and all payments
5 made shall be delivered to Plaintiff's counsel.

6 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
7 attorney fees and does not constitute an admission of liability on the part of Defendant under
8 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any
9 and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees
10 and expenses in connection with this action.

11 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
12 Act attorney fees under 42 U.S.C. §406(b), subject to the provisions of the EAJA.

13
14 Dated: June 28, 2022
15
16 Respectfully submitted,
17 NEWEL LAW

18 By: Melissa Newel
19 Melissa Newel
20 Attorney for Plaintiff
21 OSVALDO NAVARRO MAURY

22 Dated: June 28, 2022
23
24 PHILLIP A. TALBERT
25 United States Attorney
26 PETE THOMPSON
27 Acting Regional Chief Counsel, Region IX
28 Social Security Administration

By: Sharon Lahey*
SHARON LAHEY
(*Authorized by email dated 06/28/2022)
Special Assistant U.S. Attorney
Attorneys for Defendant

ORDER

1
2 IT IS HEREBY ORDERED that, pursuant to the Equal Access to Justice Act, 28 U.S.C.
3 §2412(d), attorney fees in the amount of **seven thousand and forty-eight dollars and thirty**
4 **cents (\$7,048.30)** be awarded subject to the terms of the Stipulation.

5
6 IT IS SO ORDERED.

7 Dated: **June 28, 2022**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE